

# Advisory Council On Historic Preservation

FmHA Instruction 2000-FF  
Exhibit A

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

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PROGRAMMATIC  
MEMORANDUM OF AGREEMENT  
BETWEEN  
THE FARMERS HOME ADMINISTRATION,  
THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS,  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING IMPLEMENTATION OF  
THE HOUSING PRESERVATION GRANT PROGRAM

WHEREAS the Farmers Home Administration (FmHA) proposes to administer the Housing Preservation Grant (HPG) program authorized by Section 533 of the Housing Act of 1949, as amended by Section 522 of Title V of the Housing Urban-Rural Recovery Act of 1983 (Pub. L. 98-181)(Act) and

WHEREAS FmHA has determined that the HPG program may have effects on properties included in or eligible for inclusion in the National Register of Historic Places (historic properties), and

WHEREAS Section 533(1) of the Act sets forth specific requirements pertaining to historic preservation, and

WHEREAS FmHA has sought the comments of the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act and the Council's regulations (36 CFR Part 800), and

WHEREAS FmHA, the Council, and the National Conference of State Historic Preservation Officers have consulted in accordance with 36 CFR § 800.8 of the regulations,

NOW, THEREFORE, it is mutually agreed that FmHA will administer the HPG program in accordance with the following provisions in order to take into account its effects on historic properties.

### Stipulations

I. FmHA will by regulation require that each applicant for an HPG grant provide, as part of its statement of activities in the preapplication documentation submitted to FmHA, a brief description of the applicant's program to meet the requirements of Section 533(1) of the Act. FmHA will require each applicant to develop a program that shall:

A. be developed in consultation with the appropriate State Historic Preservation Officer (SHPO);

B. take into account the national historic preservation objectives set forth at 16 U.S.C. 470-1(1), (4), and (5) (Attachment #1), and specifically be designed to encourage the rehabilitation of historic buildings in a manner that realistically meets the needs of low and very low income homeowners while preserving the historic and architectural character of such buildings;

C. establish a mechanism for determining whether buildings proposed for rehabilitation are "historic properties" and whether rehabilitation may affect historic properties. Such mechanism must be consistent with the guidance contained in Attachment #2.

D. establish mechanisms, as feasible, for coordination with other public and private organizations and programs that provide assistance in the rehabilitation and preservation of historic properties;

E. establish a system to ensure that the rehabilitation of properties included in or eligible for inclusion in the National Register of Historic Places is reasonably consistent with the recommended approaches in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (G.P.O. 1983 O-416-688), except as provided in stipulation F below, and that the SHPO is afforded the opportunity to comment on each such rehabilitation;

F. establish a system by which the applicant will furnish all necessary information and initiate the consultation steps set forth in 36 CFR Part 800 to afford the Advisory Council on Historic Preservation an opportunity to comment on any rehabilitation that the applicant, in consultation with the SHPO, determines cannot reasonably meet the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic buildings or would adversely affect historic properties (See Attachment #3), and

G. be accompanied by the SHPO's concurrence in the program, or in the event of non-concurrence, be accompanied by the SHPO's comments together with evidence that the applicant has sought the Council's advice as to how the disagreement might be resolved, and any advice provided by the Council.

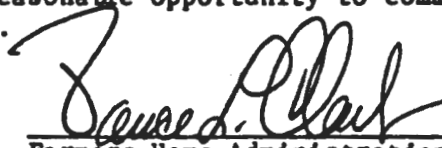
II. FmHA will review the program description provided by the applicant, together with the comments of the SHPO and the Council where applicable, in determining whether to approve a grant or condition authorization of an application upon insertion of additional procedures into the statement of activities, and may request additional advice from the Council.

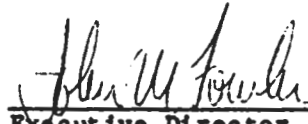
III. For the purposes of stipulation I.F. above, the Council will treat applicants as though they were Federal agencies in the process prescribed in the Council's regulations implementing Section 106 of the National Historic Preservation Act (36 CFR Part 800), except that, should the Council be unable to concur in an applicant's proposal or reach agreement with the applicant on measures to avoid or mitigate effects on a historic property, the Council will notify the applicant, FmHA, and the SHPO that the applicant cannot be treated as though it were a Federal agency with respect to the specific property under consideration. Upon receipt of such

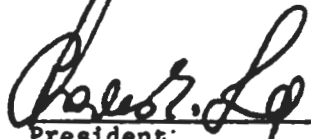
notification from the Council, FmHA will assume responsibility for completing compliance with 36 CFR Part 800. Such assumption of responsibility by FmHA with respect to a particular property shall not preclude an applicant from carrying out the requirements of 36 CFR Part 800 with respect to other properties as though it were a Federal agency.

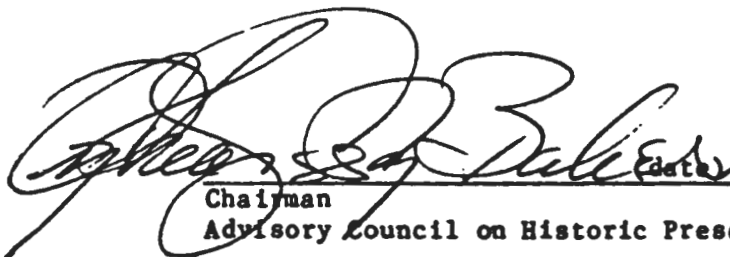
IV. FmHA and the Council may from time to time jointly issue non-binding guidance to applicants and SHPOs concerning the development of programs pursuant to Stipulation I above.

Execution of this Programmatic Memorandum of Agreement evidences that FmHA has afforded the Council a reasonable opportunity to comment on FmHA's implementation of the HPG program.

  
(date) 4-15-86  
Farmers Home Administration

  
(date) 4/2/86  
Executive Director  
Advisory Council on Historic Preservation

  
(date) 4/1/86  
President  
National Conference of State Historic  
Preservation Officers

  
(date) 30 April '86  
Chairman  
Advisory Council on Historic Preservation